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EXAMINER

PESIN, BORIS M

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/005,358

Applicant(s)

OSTERGAARD ET AL.

Examiner

Boris Pesin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This communication is responsive to Amendment A, filed 10/15/2004.

Claims 21-40 are pending in this application. Claims 21, 28, and 36 are independent claims. In the Amendment A, Claims 1-20 were canceled and claims 21-40 were added as new. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Regarding Claims 21-40, Examiner notes "means for" language. Upon application of the 3-prong test as set forth in MPEP 2181, Examiner interprets claim language per 35 USC112, 6<sup>th</sup> Paragraph.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 21, 28, and 36 it is not clear to the Examiner by what the Applicant means by "providing a user of the wireless communication unit browsing through the hierarchical memory structure."

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 21, 23, 27, 28, 30, 34, 36, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Windows NT Screen Shots (Recycle Bin) in view of (Johnson <http://www.tcs.org/ioport/oops-1.htm>) in view of Balk et al. (US 5706334).

In regards to claim 21, Windows NT teaches a recovery management terminal for handling deleted items in a wireless communication unit, comprising; means for displaying the deleted items in a hierarchical memory structure including additional information about the deleted items (See Figure 1, Element 1).

The Windows NT Screen Shots do not teach a means for recovering at least one deleted item from the hierarchical memory structure of deleted items and relocating a link to the recovered at least one deleted item to an original location thereof before deletion thereof from a memory position in which the deleted item is stored.

Furthermore the Windows NT Screen Shots do not teach means for establishing a link from a memory position in which the recovered at least one deleted item is stored to a new location. Johnson teaches, "When a file is deleted, the first character in the file name directory listing is altered (actually replaced with a sigma character). The file's entries in the file allocation table (FAT) are also cleared, though the data on the disk itself is unchanged. Since the FAT entries tell DOS where the file is physically located, from DOS' perspective the file is now "gone." Page 1, 4<sup>th</sup> Paragraph). By recreating the FAT entries and the first character in the file name directory listing by using a program like "Microsoft Undelete" (Johnson, Screen Shot, Page 3) the user is able to restore the file to the original location. Furthermore, Johnson teaches, "A special note for WFW users: UNDELETE and WFW's 32-bit File Access are not compatible, since UNDELETE requires low-level disk access. To restore a deleted file, you have to either exit Windows for Workgroups or undelete the file to a drive not set for 32-bit file access. Perhaps the easiest way to do this is to undelete the file to a floppy disk (assuming it will fit), then copy the file back to the hard disk. From the Windows version of UNDELETE highlight the file, select File | Undelete To, then specify the floppy drive." (Page 3, Paragraph 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Windows NT (Recycle Bin) with the teachings of Johnson and include a

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system to undelete files by changing the pointers of the files that have been mistakenly deleted with the motivation to provide the user with a reliable and a convenient method to undo mistaken deletions.

Windows NT Screen Shots and Johnson do not teach a user interface for enabling manipulation of the deleted items including providing a user of the wireless communication unit the ability to browse through the hierarchical memory structure. Balk teaches a wireless communication unit that, "As indicated by the labels, the other buttons in set 219 can be used to move through list 205, delete and undelete messages, record a memo, and exit to the previous screen." Column 4, Line 54). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the Windows NT and Johnson with the teachings of Balk and implement the undelete capability in a wireless communication system with the motivation to provide the user with a system that is conveniently portable.

In regards to claim 23, Microsoft, Johnson, and Balk do not specifically teach a recovery management terminal for handling deleted items in a wireless communication unit according to claim 21 characterized in that the deleted items are SMS, ringing tones, phone book entries, calendar entries, pictures, bookmarks, user actions, settings set, renaming, phonebook editing, smileys, e-mail, voice memos, voice tags, games, operator icons picture and profiles. However, it is inherent that Microsoft allows for this functionality because SMS, ringing tones, phone book entries, calendar entries, pictures, bookmarks, user actions, settings set, renaming, phonebook editing, smileys,

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e-mail, voice memos, voice tags, games, operator icons picture and profiles are all types of data and an operating system (i.e. Windows) handles various types of data.

In regards to claim 27, Microsoft, Johnson, and Balk teach all the limitations of claim 21. Microsoft further teaches a recovery management terminal for handling deleted items in a wireless communication unit characterized in that the additional information about said deleted item includes name, item type, deletion time, deletion date and a link to the location in the communication unit/ SIM card/ external device from where said deleted item was deleted (See Figure 1).

Claim 28 is in the same context as claim 21; therefore it is rejected under similar rationale.

Claim 30 is in the same context as claim 23; therefore it is rejected under similar rationale.

Claim 34 is in the same context as claim 27; therefore it is rejected under similar rationale.

Claim 36 is in the same context as claim 21; therefore it is rejected under similar rationale.

Claim 38 is in the same context as claim 23; therefore it is rejected under similar rationale.

Claim 39 is in the same context as claim 27; therefore it is rejected under similar rationale.

Claims 22, 29, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Windows NT Screen Shots (Recycle Bin) in view of (Johnson <http://www.tcs.org/ioport/oops-1.htm>) in view of Balk et al. (US 5706334) in view of Skopp et al. (US 6256739).

In regards to claim 22, Microsoft, Johnson, and Balk teach all the limitations of claim 21. They do not teach a recovery management terminal for handling deleted items in a communication unit characterized in that the recovery management terminal can be turned off so that all deleted items are permanently deleted. Skopp teaches, "The shutdown procedure also calculates whether an advertisement should be permanently removed from that client's advertisement index. If required, the PCPD 330 can instruct the client access control application 210 to disable the particular advertisement in the index." Column 10, Line 23). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Windows NT, Johnson, and Balk with the teachings of Skopp and include a method to delete a selection of files on shutdown with the motivation to conserve memory space.

Claim 29 is in the same context as claim 22; therefore it is rejected under similar rationale.

Claim 37 is in the same context as claim 22; therefore it is rejected under similar rationale.

Claims 24, 25, 26, 31, 32, 33, 35, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Windows NT Screen Shots (Recycle Bin) in view of



(Johnson <http://www.tcs.org/ioport/oops-1.htm>) in view of Balk et al. (US 5706334) in view of Helferich (US 6636733).

In regards to claim 24, Microsoft, Johnson, and Balk teach all the limitations of claim 21. Microsoft, Johnson, and Balk do not teach a recovery management terminal for handling deleted items in a wireless communication unit characterized in that the recovery management terminal can be set to automatically delete the hierarchical memory structure when the available memory is used. Helferich teaches, "The present invention provides a system for deleting messages when memory is full but the deleted or over written messages may be again received and stored by the mobile telephone 10 as will be described hereinafter." Column 8, Line 59). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Microsoft, Johnson, and Balk with the teachings of Helferich and include a method to automatically delete files when available memory is full with the motivation to provide the user with free memory space in order to make it easier to save other files.

In regards to claim 25, Microsoft, Johnson, and Balk teach all the limitations of claim 21. Microsoft does not teach a recovery management terminal for handling deleted items in a wireless communication unit characterized in that the recovery management terminal can be set to automatically delete the hierarchical memory structure at certain interval. Helferich teaches, "paging devices automatically delete the oldest read message in order to make room in memory for a newly received message." Column 8, Line 54).

In regards to claim 26, Microsoft, Johnson, and Balk teach all the limitations of claim 21. Microsoft does not teach a recovery management terminal for handling deleted items in a communication unit, wherein the recovery management terminal can be set to automatically delete the hierarchical memory structure when the available memory is used and characterized in that the hierarchical memory structure can be set to delete certain selected types of the items. Helferich teaches, "paging devices automatically delete the oldest read message in order to make room in memory for a newly received message." Column 8, Line 54). In Helferich's invention, the device automatically deletes only messages.

Claim 31 is in the same context as claim 24; therefore it is rejected under similar rationale.

Claim 32 is in the same context as claim 25; therefore it is rejected under similar rationale.

Claim 33 is in the same context as claim 26; therefore it is rejected under similar rationale.

In regards to claim 35, Microsoft, Johnson, and Balk teach all the limitations of claim 28. They do not teach a recovery management terminal for handling deleted items in a wireless communication unit characterized in that said deleted items can be automatically deleted from one memory structure and relocated into the hierarchical memory structure of said recovery management terminal, when the allocated memory of said memory structure is used. Helferich teaches, "The present invention provides a system for deleting messages when memory is full but the deleted or over written

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messages may be again received and stored by the mobile telephone 10 as will be described hereinafter." Column 8, Line 59).

In regards to claim 40, Microsoft, Johnson, and Balk teach all the limitations of claim 36. They do not teach a method for handling deleted items, wherein said recovery management terminal can be set to automatically empty said memory structure at certain intervals or when the allocated memory is used according to any of the following options: the oldest item is deleted first from said memory structure, the oldest message is deleted first from said memory structure, the oldest ringing tone is deleted first from said memory structure, the oldest calendar entry is deleted first from said memory structure or, any other specified type is deleted first of deleted items from the said memory structure. Helferich teaches, "paging devices automatically delete the oldest read message in order to make room in memory for a newly received message." Column 8, Line 54).

### ***Response to Arguments***

Applicant's arguments with respect to claims 21-40 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

How Stuff Works (Screen Shot)

<http://computer.howstuffworks.com/question578.htm>

Teaches that when data is deleted it is not physically deleted from the memory and that only the pointer to the data is erased to make it appear that the data is deleted.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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